



Proposed Changes to City of Dallas' Code of Ethics and Code of Elections

This document outlines proposed changes to City of Dallas Code of Ethics and Code of Elections by Mike Ablon to promote a cultural shift and true reform. It's proposed that these new policies be presented to the citizens of Dallas, not City Council, for their voting approval, to result in an actual revision of the City Charter.

Ethics Ombudsman Backed by Independent Commission

- The existing “advisory” commission would be disbanded due to a lack of independence and power.
- The City will create an independent Ombudsman, backed by an autonomous Ethics Commission.
- Citizen referendum to enact new body, with or without a scheduled municipal election.
- The new body will be independent of Council, and City Manager, City Attorney and Secretary.
- Committee elected together, to 3 or 4-year terms, and continues to be appointed by Council.
- Appointment by vote of 17: Council, plus City Manager and City Attorney, requiring majority vote.
- Once appointed, Commissioners removed only by super-majority vote of the Seventeen.
- The Ombudsman investigates complaints upon “reasonable *suspicion*,” as found by Commission.
- The Commission would accept complaints against Council members from Dallas residents and parties doing business with the City of Dallas, including anonymous complaints.
- The Ombudsman serves as standing prosecutor, able to use outside counsel for complex cases.
- The Ombudsman determines after initial investigation if sufficient evidence warrants a hearing.
- Public hearings before Commission; testimony compelled. Standard: reasonable *belief* of violation.
- Decision-maker on all complaints is the Commission. The Council is no longer judge and jury.
- The Commission will also conduct an annual audit of all Council members’ financial reports.
- The Ombudsman would have standing power to conduct random audits of any City department.
- The Commission establishes mandatory training of ethics and campaign finance policies.
- Council members required to pass ethics training, and certified to be in compliance by Commission.
- The Commission provided with a budget adequate to manage ethics complaints and investigations.
- Exit interviews specifically glean ethics violation information; surveys conducted routinely.
- Enhanced reporting and investigation infrastructure:
 - complaints accepted by on-line posting,
 - anonymous hotline,
 - web-based reporting system,
 - empowered investigation team with powers of subpoena,
 - coordination with the DA,
 - judicious use of outside investigation teams for complex complaints, and

- enhanced protection from retaliation for witnesses and complainants.
- Municipal Criminal Offenses department empowered to prosecute offenses under the Codes.
- Stiffer penalties: lifetime bans from doing business with the City or serving the City, if serious or repeated violations found, fines for campaign violations commensurate with money raised, coordination with DA to refer cases earlier, censure, demotion, and termination.

Transparent, Real-Time Campaign and Lobby Reporting

- Creation of “Transparency in Government” web site.
- Access to campaign and lobbying reports with quarterly updates, when not in filing window.
- All vendor and lobbying meetings input into system 24+ hours prior to any agenda item.
- 24 hour moratorium on meetings prior to agenda item and council vote.
- Campaign and lobbying reports available for free to public and available online for up to 8 years.
- All campaign and lobbying data must be free and available to the public on demand.

Clear Rules for Use of City Staff

- Clear rules defining distinction between campaign communication and district communication.
- Draft guidelines for use of city’s public access television channels, website and social media.
- Council not to contact City executive and directors without prior approval by City Manager.
- Council members may not contact any city employees directly for requests.
- If a city employee has filed a grievance with the EAC claiming concerns of retaliation from council the council member(s) accused will specifically be prohibited from direct contact with the complainant while the matter is pending.
- Members, council members involved in that grievance must recuse themselves during budget considerations or voting considerations if such is decided by Ombudsman; but a Council member may request one week deferral of voting to allow an Ombudsman ruling.

Ethical Relationships with Vendors and Lobbyists

- Council Members may not refer constituents and developers to vendors and lobbyists.
- Registered lobbyists may not be political consultants and vice versa.
- Council Members must acknowledge any donor, vendor and lobbyist relationship before casting their vote in favor of those parties.
- No Councilperson may take any private actions related to a vote within 60 days of the vote (or have pre-written or pre-oral agreements), and must report any action in writing to the City manager’s office 30 days prior to taking any action related to a vote.

Contributions Without Strings Attached

- Council members must recuse themselves for six months from voting on issues where they have received a donation from a constituent, vendor, lobbyist or developer that would be impacted by an issue in front of the Council.
- Council members may not accept a donation from a constituent, vendor, lobbyist or developer for a period of six months after voting on an issue that impacts or benefits them.
- Council members may not hold a fundraiser that is hosted by a lobbyist once in office.

An End to Candidate Carpetbagging

- Dallas council candidates are not at-large and their residency should reflect the rule and spirit of our 14-to-1 district representation.
- All candidates for Council must live in their district for at least one year prior to filing and submit verifiable proof via a State of Texas Driver's License and an electric bill in their or their partner's name and state in writing that it is their primary residence for homestead tax exemption.

Penalties for Ethics Violations

- Establish more stringent penalties for violators of campaign finance law and for violations that include voting on issues in front of the council that financially benefit a Councilmember or their family. That includes, council candidates, donors, PACs, and vendors. Penalties may include enhanced fines, loss of privilege to work with or lobby the City of Dallas, and public censure.